

		1. CONTRACT ID CODE J		PAGE OF PAGES 1 OF 4	
2. AMENDMENT/MODIFICATION NO. P00068		3. EFFECTIVE DATE SEE BLOCK 16C.		4. REQUISITION/PURCHASE REQ. NO.	
5. PROJECT NO. (If applicable)		6. ISSUED BY CODE N00039		7. ADMINISTERED BY (If other than Item 6) CODE	
SPACE AND NAVAL WARFARE SYSTEMS COMMAND CONTRACTING OFFICER: 02-N Debra L. Streufert 2231 Crystal Drive, Suite 400 Arlington, VA 22212-3721 PHONE: 703.685.5508					
8. NAME AND ADDRESS OF CONTRACTOR (No., street, country, State and ZIP Code)				9A. AMENDMENT OF SOLICITATION NO. 9B. DATED (SEE ITEM 11) 10A. MODIFICATION OF CONTRACT/ORDER NO. N00024-00-D-6000 10B. DATED (SEE ITEM 11) 06 October 2000	
ELECTRONIC DATA SYSTEMS CORPORATION 13600 EDS DRIVE HERNDON, VA 20171 ATTN: NMCI CONTRACTS				(✓) X	
CODE 1U305		FACILITY CODE			

# 11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended ☐ is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods:

(a) By completing Items 8 and 15, and returning \_\_\_\_\_ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

NOT APPLICABLE

# 13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(✓) A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).

X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:  
FAR CLAUSE 52.212-4 (CHANGES)

D. OTHER (Specify type of modification and authority)

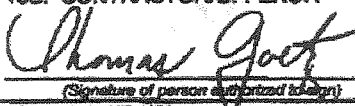

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return (See Note below) copies to the issuing office..

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Note: The Contractor may return a signed copy via facsimile or as a scanned image in portable document format (pdf).

-SEE HEREIN-

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Thomas Goetz, Contracts Manager		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Debra L. Streufert, Contracting Officer	
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 26 JUN 03	16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)	16C. DATE SIGNED 26 Jan 03

The purpose of this modification is to add Davis-Bacon Act (DBA) requirements to the contract. Accordingly, make the following changes:

A. Under Part One, add new Item 0042 as follows:

1. In Tables Three through Ten, add:

Item	Service	Service Price/Program Year
0042/0142	Davis-Bacon Act Compliance	

2. Add the item description as follows:

"Item 0042 (and 0142 if option is exercised): **Davis-Bacon Act Compliance:** This CLIN will be used as a mechanism to provide monetary compensation for compliance with DBA requirements in accordance with paragraph 5.20, "Applicability of the Davis-Bacon Act (DBA)". This CLIN will be separately priced in individual task orders."

B. Under Part Two, add paragraph 5.20 as follows:

**"5.20 APPLICABILITY OF DAVIS-BACON ACT (DBA)**

5.20.1 Construction Work Subject to DBA. DBA may be applicable to all new construction of facilities, the renovation of existing facilities and to fit-up for the NMCI network as described below. This is effective for construction projects which start on or after July 24, 2003.. A construction project begins with the demolition of existing building interiors and continues through the completion of the Contractor's build-out. Construction will typically end at the point that the operational testing and commissioning effort has been completed. Construction will include site work (e.g., excavation, trenching for utilities, backfilling, paving, etc.), significant improvements to interiors and exteriors (floors, walls, ceilings, lights, doors, heating, ventilation, air conditioning, painting and finishing), support buildings or structures (e.g., utility buildings for Uninterruptible Power Systems (UPS)), and utility systems modifications (e.g., electrical power, telephone, fire suppression and security alarm systems).

5.20.2. Work Not Subject to DBA. DBA is not applicable to the installation of equipment and other activities performed exclusively for the purpose of installing and connecting network equipment and cabling. This work includes, but is not limited to the following:

- a. Pulling, installing and connecting network cables, including fiber-optic cables, through conduit and other cable pathways from points of connection to network equipment and workstations outlets;
- b. Installing aboveground conduit and other types of aboveground cable pathways;
- c. Installing distribution frame-type racks, cabinets, and associated equipment;
- d. Installing servers and other NMCI network equipment;
- e. Minor modifications to equipment closets;
- f. Modifications to existing security detection and alarm systems.

DBA is not applicable to minor facilities renovation work where such work is not a part of a construction project. Typically, such work includes, but is not limited to, installing a fence, adding a divider wall, replacing a door or a window in a building, minor renovation of equipment closets, adding furniture or modifying shelving.

5.20.3 Determining DBA Applicability. For all work which commences on or after July 24, 2003, , when the Contractor completes the initial field survey to determine the scope of work at an installation (or other site), the Contractor shall identify the construction work necessary for fit-up and provide written documentation to the Government describing the construction project, the type of construction work, the anticipated beginning and ending activities and projected dates, and an assessment of the applicability of DBA. The Contractor shall provide such project description and an assessment of DBA applicability to the Government in sufficient time so that the Government's review and approval can be accomplished prior to the start of work at the site. The Government shall confirm in writing whether DBA is applicable to that work, and shall provide to the Contractor a reference to the applicable DBA wage determination within ten (10) days of the Government's determination of applicability. After this confirmation, the Contractor shall obtain the applicable DBA wage determination by accessing the Government Printing Office web page at <http://www.access.gpo.gov/davisbacon/> and then click "Browse All Determinations By State". All work on the specified construction project shall be subject to the same (dated prior to start of construction) DBA wage determination/s. If it is necessary to incorporate a DBA wage determination for work performed under a different DBA Schedule (reference FAR 22.404-2), the Government shall make this determination and shall include the separate wage determination and identify the work subject to that wage determination. DBA will be applied to all construction work, determined to be covered by DBA, performed on the site by laborers or mechanics, in accordance with the provisions of DBA and the clauses incorporated herein.

#### 5.20.4 Davis-Bacon Act Self-Audit Procedure

5.20.4.1 The Contractor shall comply and shall ensure that subcontractors are required through their Subcontract Agreements to comply with applicable provisions of the Davis-Bacon Act stated in FAR 52.222-6, the requirements of the Payroll and Basic Records clause FAR 52.222-8, and the applicable Davis-Bacon Act Wage Determination .

5.20.4.2 Each subcontractor performing DBA-covered construction shall be required to submit weekly certified payroll reports to the Contractor no later than the 7th day after the date the subcontractor's employees are paid.

5.20.4.3 The Contractor shall be responsible for reviewing weekly-certified payroll reports to ensure that employees performing work on the project are properly classified and listed on the reports, and minimum wages and fringe benefits required by the Wage Determination are being paid. The Contractor shall provide a copy of the weekly-certified payroll reports to the appropriate Responsible Officer In Charge of Construction (ROICC) office within 21 days after the date the subcontractor's employees are paid. The Contractor also shall be responsible for reconciling, as necessary, the subcontractor's weekly certified payroll reports; conducting interviews, as needed, with subcontractor employees to verify actual wages being paid; and identifying discrepancies and possible violations.

5.20.4.4 The Contractor shall notify subcontractors of discrepancies and possible violations, and ensure that corrective actions are taken within 30 days. If the Contractor and the subcontractor cannot resolve discrepancies or possible violations, or required corrective actions have not been taken within 30 days, the Contractor shall submit a report in detail to the Contracting Officer.

5.20.5 Inquiries or complaints alleging failure to comply with DBA provisions will be handled promptly and resolved fully by the Contractor. Any complaints or inquiries that cannot be resolved by the Contractor within 30 days must be reported to the Contracting Officer for further action.

5.20.6. Requests for conformance (approval for additional classifications not listed on the DBA WD) will be submitted by subcontractors to the Contractor, with information required by FAR 52.222-6(b) for

review and concurrence. The Contractor will then submit the request to the Contracting Officer for submittal to the Department of Labor for approval.

#### 5.20.7 Adjustment for DBA Compliance

5.20.7.1 For each subcontract task order where the application of DBA wage rates has resulted in an aggregate increase in labor cost for the entire task order compared to baseline wage rates that the Contractor has been paying, the Contractor shall submit documentation. The Contractor shall provide a cost analysis, which fully justifies the differential increase in costs for all labor classifications for the task order. The cost analysis shall provide the supporting information described below in 5.20.7.2 through 5.20.7.4.

5.20.7.2 The Contractor may develop the cost analysis documentation by utilizing dual-pricing for each subcontract task order. These are the task orders that the prime contractor has with subcontractors. The task order estimate sheets can be expanded to show current wage rates in one column and fully burdened DBA wage rates in a second column. In a third column, the increase in the wage rates can be shown, along with the hours affected and the result of multiplying the hours affected and the wage increases. All the resultant increases can be shown on sheet sub-totals and a total at the end of the task order price proposal. These modified task order estimates could provide the bulk of the documentation required. In cases where no prior work in a particular labor classification has been done in county, then the Contractor shall provide justification for the baseline labor rates used. Notwithstanding the above, the Contractor may elect to use other methods to develop the required cost analysis documentation.

5.20.7.3 The basis for the Contractor's DBA Wage Determination compliant costs for each labor classification shall be provided. The applicable DOL General Decision number and classification number reference for each labor classification and wage rate used to determine the task order cost increase shall be provided.

5.20.7.4 In addition to labor cost differentials for subcontract task orders, the Contractor shall provide a cost analysis for any anticipated prime contractor overhead costs related to DBA compliance administration and monitoring.

#### 3. Add paragraph 6.36 as follows:

"6.36 The following clauses related to Davis-Bacon are incorporated by reference:

- a) FAR 52.222-6, Davis-Bacon Act.
- b) FAR 52.222-7, Withholding of Funds.
- c) FAR 52.222-8, Payrolls and Basic Records.
- d) FAR 52.222-9, Apprentices and Trainees.
- e) FAR 52.222-10, Compliance with Copeland Act Requirements.
- f) FAR 52.222-11, Subcontracts (Labor Standards).
- g) FAR 52.222-12, Contract Termination-Debarment.
- h) FAR 52.222-13, Compliance with Davis-Bacon and Related Act Regulations.
- i) FAR 52.222-14, Disputes Concerning Labor Standards.
- j) FAR 52.222-15, Certification of Eligibility. "

A CONFORMED COPY OF THE REVISED CONTRACT IS MADE A PART OF THIS MODIFICATION AS A RESULT OF THE CHANGES OUTLINED HEREIN.

All other terms and conditions of the contract remain unchanged and in full force and effect.